

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DONALD BEDEN,

Plaintiff,

v.

Case No. 10-cv-14851  
Paul D. Borman  
United States District Judge

UNITED AUTO WORKERS LOCAL 9699,  
RYDER LOGISTICS

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL (Dkt. No. 46)**

Now before the Court is *pro se* Plaintiff Donald Beden's Application for Appointment of Counsel. (Dkt. No. 46.) On August 29, 2011, the Court entered an Order dismissing all claims against Defendants United Auto Workers Local 9699 and Ryder Logistics. (Dkt. No. 40.) Plaintiff filed a Notice of Appeal on September 2, 2011. (Dkt. No. 42.) The Court granted Plaintiff's Application to Proceed In Forma Pauperis on September 12, 2011. (Dkt. No. 45.)

Civil litigants are not entitled to court-appointed counsel. *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002). Appointment of counsel in a civil case is only appropriate in exceptional circumstances. *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993). In determining whether exceptional circumstances are present, the Court looks to the complexity of the factual and legal issues involved. *Id.* at 606. Appointment of counsel is not appropriate where a *pro se* litigant's

claims are frivolous or where the chances of success are extremely slim. *Id.*

There are no exceptional circumstances present in the instant case. The facts set forth in the Complaint are not complex, and Plaintiff's claims are undermined by well settled law. The Court also finds that Plaintiff's chances of success on appeal are extremely slim. Plaintiff's Motion for Appointment of Counsel is therefore **DENIED**.

**SO ORDERED.**



PAUL D. BORMAN  
UNITED STATES DISTRICT COURT JUDGE

Dated: 9-15-11  
Detroit, Michigan